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1 UNITED STATES PATENT AND TRADEMARK OFFICE  
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4 BEFORE THE BOARD OF PATENT APPEALS  
5 AND INTERFERENCES  
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8 *Ex parte* HOLGER BOHLE  
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11 Appeal 2010-008038  
12 Application 10/772,081  
13 Technology Center 3600  
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17 Before HUBERT C. LORIN, ANTON W. FETTING, and  
18 JOSEPH A. FISCHETTI, *Administrative Patent Judges*.  
19 FETTING, *Administrative Patent Judge*.

20 DECISION ON APPEAL  
21

STATEMENT OF THE CASE<sup>1</sup>

Holger Bohle (Appellant) seeks review under 35 U.S.C. § 134 (2002) of a final rejection of claims 1-16, the only claims pending in the application on appeal. We have jurisdiction over the appeal pursuant to 35 U.S.C. § 6(b) (2002).

The Appellant invented a computer program product, tangibly embodied in an information carrier, for use with a curriculum management system that manages a curriculum comprised of at least a course. (Specification 1:17-19).

An understanding of the invention can be derived from a reading of exemplary claim 1, which is reproduced below [bracketed matter and some paragraphing added].

1. A computer program comprising a memory device storing instructions that, when executed by a processor,  
cause the processor to perform a method for managing a curriculum,  
the method comprising the steps performed by the processor of:  
[1] scheduling a booking of a course to be taken by a learner,  
wherein the scheduling comprises generating an attendance link  
that associates the learner with the course,  
the attendance link identifying whether the course is associated with a corresponding curriculum;  
[2] receiving input from the learner

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<sup>1</sup> Our decision will make reference to the Appellant's Appeal Brief ("App. Br.," filed January 11, 2010) and Reply Brief ("Reply Br.," filed April 26, 2010), and the Examiner's Answer ("Ans.," mailed April 14, 2010).

1                    requesting a modification to the booking;  
2            [3] determining whether the booking represents  
3                    an individual booking or  
4                    a curriculum booking  
5                    based on the generated attendance link;  
6            and  
7            [4] processing the modification to the booking  
8                    based on at least whether the booking represents an  
9                    individual booking or a curriculum booking.

10 The Examiner relies upon the following prior art:

Schloss	US 5,692,125	Nov. 25, 1997
Papadopoulos	US 6,099,320	Aug. 8, 2000
Alcorn	US 6,988,138 B1	Jan. 17, 2006

12 The Columbia Institute, e-Campus School Policy Manual, November  
13 2002 (3 pages)

14        Claims 1-6 and 9-14 stand rejected under 35 U.S.C. § 103(a) as  
15        unpatentable over Schloss.

16        Claims 7 and 15 stand rejected under 35 U.S.C. § 103(a) as unpatentable  
17        over Schloss and Columbia.

18        Claims 8 and 16 stand rejected under 35 U.S.C. § 103(a) as unpatentable  
19        over Schloss and Papadopoulos.

## 20 ISSUE

The issue of obviousness turns on whether there is evidence as to the predictability of using a link to determine whether a booking represents an individual booking or a curriculum booking as required by limitations [1], [3], and [4].

FACTS PERTINENT TO THE ISSUES

The following enumerated Findings of Fact (FF) are believed to be supported by a preponderance of the evidence.

*Facts Related to the Prior Art*

*Schloss*

01.Schloss is directed to computer scheduling of events and event groups that allows a scheduler to schedule events at a schedule time and to account for changing external data and conditions that occur between the schedule time and an event performance time. The computer scheduling of events and event groups allows a scheduler to schedule partially defined events and/or groups of events. Schloss 2:16-25.

*Alcorn*

02.Alcorn is directed to a way of exchanging information between instructors and students in an education context. Alcorn 1:17-19.

ANALYSIS

We are persuaded by the Appellant's argument that

The Examiner conceded that Schloss "does not explicitly disclose wherein a link is created to associate the user with the event and event information ... [and] does not explicitly disclose using the link to determine whether the booking represents an individual booking or a curriculum booking." Final Office Action, pp. 5-6. However, the Examiner then alleged that "it would have been obvious to one of ordinary skill in the art, at the time of the invention to have included" the above-noted features. See Final Office Action, pp. 5-6. As support for this allegation, the Examiner cited the KSR

decision, quoting that "[t]he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." Final Office Action, p. 5 and p. 6. However, the proposition cited by the Examiner is not applicable, for at least the reason that the Examiner has not demonstrated that the elements sought to be combined are "known."

Appeal Br. 13-14. The Examiner found that

Schloss does not explicitly disclose using the link to determine whether the booking represents an individual booking or a curriculum booking, however, it would have been obvious to one of ordinary skill in the art, at the time of the invention to have included using the link to determine whether the booking represents an individual booking or a curriculum booking in order to increase efficiency by using already established information to ensure that unnecessary or repetitive activity is minimized (*See KSR* [127 S Ct. at 1739] "The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results."), since doing so could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Ans. 5. The Examiner then went on in the Response section to draw in Alcorn for evidentiary support. Ans. 13. As the Appellant further argued in response to this new evidence, however,

the "hyperlink" of Alcorn is a hyperlink provided on a web page, linking to other information such as announcements, instructors, etc. By clicking a hyperlink, the user can view various information. See, e.g., Alcorn, col. 4, I. 56 - col. 5, I. 15. The "hyperlink" of Alcorn is not an "attendance link that associates the learner with the course" as recited in claim 1 (emphasis added). Therefore, Schloss and Alcorn, whether taken alone or in combination, still fail to teach or suggest "an attendance link that associates the learner with the course, the attendance link identifying whether the course is associated with a corresponding curriculum" as recited in claim 1.

1       Reply Br. 5.

2       Both of the only 2 independent claims contain this same limitation.

3                               CONCLUSIONS OF LAW

4       The rejection of claims 1-6 and 9-14 under 35 U.S.C. § 103(a) as  
5       unpatentable over Schloss is improper.

6       The rejection of claims 7 and 15 under 35 U.S.C. § 103(a) as  
7       unpatentable over Schloss and Columbia is improper.

8       The rejection of claims 8 and 16 under 35 U.S.C. § 103(a) as  
9       unpatentable over Schloss and Papadopoulos is improper.

10                           DECISION

11       The rejection of claims 1-16 is reversed.

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13                           REVERSED  
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